IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.27092 of 2008
1. RAVINDRA KUMAR @ RAVINDRA KUMAR YADAV
2. KARU @ MAHESH
Versus
THE STATE OF BIHAR
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3. 22.12.2008 Heard Sri Brajnandan Singh, Advocate for the petitioners and Sri D. Mehta, APP for the State.

The case is under Section 364A of the IPC relating to the kidnapping of 10 years old child, who was returning with his family members after witnessing a Yagya. One of the criminals Rajeev Kumar was arrested by villagers while he was running away and was handed over to the police. The criminals abandoned the victim on account of the police giving them a chase and the said arrested accused Rajeev Kumar said that the two petitioners were the other two accused persons, who were riding the motor cycle after picking the boy from the rickshaw by which he was traveling with his family members.

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The contention is that the implication is by a co-accused through his confession and there is no basis for that to justify the implication.

I could not consider the confession, had there been some difference or any reason for falsely implicating the co-

accused persons by apprehended accused Rajeev Kumar. It is true that I do not attach much value to a confessional statement made before police. But in this case the circumstances appear something different and in that view, I am not inclined to direct the release of the two petitioners.

The petition is dismissed.

DKS/ **(Dharnidhar Jha, J.)**

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